

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday October 5, 2015
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin, B. Chandy, G. Lewis, B. Ryan
Members absent: R. Hall, K. Rawn, B. Pociask, V. Ward
Alternates present: P. Aho, K. Holt, S. Westa
Staff present: Linda Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:09 p.m. and appointed Aho, Holt and Westa to act in the absence of members and appointed Ryan to act as Secretary in Ward's absence.

Approval of Minutes:

a. September 21, 2015 Regular Meeting

Westa MOVED, Chandy seconded, to approve the 09-21-15 minutes as presented. MOTION PASSED UNANIMOUSLY. Holt and Goodwin noted that they listened to the recording.

Zoning Agent's Report:

No comments.

Continued Public Hearing:

Special Permit Application, A. Gioscia, 1708 Stafford Road, PZC File #1336

Chairman Goodwin opened the continued Public Hearing for the Special Permit Application for 1708 Stafford Road at 7:10 p.m. Members present were Goodwin, Chandy, Lewis, Ryan, and Alternates Aho, Holt and Westa who were all appointed to act. Linda Painter noted that she and the Assistant Town Engineer have met with the applicant and his associates who have also met with CT D.O.T. and plan revisions are expected at the end of the week.

The Chair noted no public comment or further questions from the Commission. At 7:11 p.m. Holt MOVED, Chandy seconded, to continue the Public Hearing to 10/19/15. MOTION PASSED UNANIMOUSLY.

Old Business:

a. **Special Permit Application, Chuck's Steak House, 1498 Stafford Road, PZC File#303-2**

Lewis MOVED, Ryan seconded, to approve with conditions the special permit application (File #303-2) of GAL Associates, LLC to allow the addition of an outdoor dining patio to the Chuck's Steakhouse Margarita Grill Mexican Cantina restaurant located at 1498 Stafford Road. This approval is based on the project as described in the application dated July 27, 2015, and as shown on plans dated July 15, 2015 and as presented at Public Hearings on September 8, 2015 and September 21, 2015.

Through this approval, the Commission accepts the submission of the supplemental information including revised hours of service for the patio; concept plan for a new sound barrier fence for the employee break area; a revised parking lot striping plan prepared in response to Fire Marshal comments; and a lighting plan dated September 3, 2015 and revised through submission of new fixture details distributed to the Commission as part of a September 17, 2015 memo from the Director of Planning and Development. The Commission further determines that no new hearing was warranted as the supplemental information did not significantly alter the original proposal. Furthermore, the Commission determines that due to the limited area of work associated with the proposed change in use, the site plan information identified as "not included" or "waiver requested" in the map checklist submitted as part of the application is not

needed to determine consistency with the Zoning Regulations and the submission of that information is therefore waived in accordance with Article Five, Section B.4.

This approval is granted because the application is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. **Extent of Approval.** This approval is specifically limited to the above application and the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. .
2. **Permits.** No Zoning Permits shall be issued and no construction shall commence until the following conditions are met:
 - A revised parking lot striping plan is submitted for the approval of the Zoning Agent that includes the minimum number of handicap spaces required based on the size of the parking lot as well as signage and markings for handicap spaces that conform with Article 10, Section D.11 of the Mansfield Zoning Regulations.
 - Details of the sound barrier fence are approved by the Zoning Agent, including location, height, color, material.
3. **Restrictions on Use.** The following restrictions apply to the use of the restaurant and patio:
 - There shall be no outdoor dining or drink service on the patio after 11 p.m.
 - There shall be no outdoor speakers or other amplification of music and other sounds.
 - The restaurant is approved for a maximum capacity of 268 seats for zoning purposes. Whenever the patio is in use, fifty seats in the interior dining rooms shall be closed and unavailable for use.
4. **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Goodwin who abstained.

b. Zoning Map Amendment, A. Gioscia, 1708 Stafford Road, PZC File #1335

Aho MOVED, Holt seconded, to approve the application of A. Gioscia (File #1335), applicant and owner, to rezone approximately 2.68 acres of land addressed as 1708 Stafford Road from Rural Agriculture Residence 90 (RAR-90) to Neighborhood Business-1 (NB-1) as shown on a map dated July 24, 2015 and further described in a legal description submitted as part of the application, and as heard at a Public Hearing on September 21, 2015.

This zone change shall become effective as of October 15, 2015. Approval is granted for the following reasons:

1. The subject zone change is consistent with the future land use designation of Rural Commercial and text specified goals and strategies identified in the Mansfield Tomorrow Plan of Conservation and Development. This new POCD was adopted by the Commission prior to the public hearing on the subject zone change and will be in effect prior to the effective date of the zone change.
2. The Capitol Region Council of Governments reviewed the proposed zone change and found no conflicts with regional plans and policies or concerns of neighboring towns.
3. The subject site is located at the intersection of two state roads and is proximate to existing commercial uses in both Mansfield and the Town of Willington. The site can physically support small-scale commercial development. The zone change extends the existing NB-1 zone currently applied to properties located on the west side of Route 32 at the intersection with Route 195.

4. The proposed re-zoning is considered to be consistent with approval considerations contained in Articles I and XIII of Mansfield's Zoning Regulations and Section 8-2 of the State Statutes.
5. Based on site and neighborhood characteristics, it is expected that any potential impacts from uses permitted in the Neighborhood Business zone can be appropriately addressed by standards limiting the size and scale of development in Neighborhood Business zones as well as the special permit review process required for various uses in this zone.

MOTION PASSED UNANIMOUSLY.

c. Special Permit Application, A. Gioscia, 1708 Stafford Road, PZC File #1336

Item tabled pending public hearing continuation on 10/19/15.

New Business:

a. Request for B.A.E. exception for a shed, 79 Jonathan Lane, PZC File #1113-3

Property owner Garrett Kernozicky responded to questions posed by Commission about the location of the proposed shed and the neighbor's objections to the placement of the shed, if any. Two members raised concerns that applications to modify a BAE or DAE come in with some frequency for often no apparent reason other than the desire of the homeowner to place a structure within the lines, making the requirement of a BAE and DAE superfluous. After further discussion, it was determined that this topic should be reviewed in the upcoming revision to the Zoning Regulations .

Holt MOVED, Chandy seconded, that the PZC authorize the placement of a 12' x 16' storage shed, as described in a 9/24/15 letter from G. & S. Kernozicky, and depicted on a 9/24/15 plan, as provided for under Article VIII, section B.1.d of the regulations, because the proposed structure will be in compliance with the approval criteria of the subject regulation. The shed is still subject to the issuance of a Zoning Permit. MOTION PASSED with Aho, Chandy, Holt, Ryan and Westa in favor and Lewis and Goodwin opposed.

b. Request for B.A.E. exception for a shed, 15 Adeline Place, PZC File #1187-2

Property owner Frank Gifford responded to questions posed by Commission members as above. The same argument as cited above was incorporated in this discussion.

Holt MOVED, Ryan seconded, that the PZC authorize the placement of a 10' x 16' storage shed, as described in a 9/20/15 letter from F. & N. Gifford, and depicted on the submitted plan, as provided for under Article VIII, section B.1.d of the regulations, because the proposed structure will be in compliance with the approval criteria of the subject regulation. The shed is still subject to the issuance of a Zoning Permit. MOTION PASSED with Aho, Chandy, Holt, Ryan and Westa in favor and Lewis and Goodwin opposed.

c. Water and Sewer Service Connections

The Commission discussed its interpretation of various regulations that utilize the phrase "readily connected" in association with the new water and wastewater lines and how that requirement impacts the timing of applications where line connections may be requested now that construction of this infrastructure is under way. The Commission concluded that it cannot regulate the timing of the filing of any application, but a determination as to whether a proposed project meets the "readily connected" standard can be made on a case by case basis as applications are considered. Members requested that this phrase "readily connected" and the regulations in which it is found, be given priority in review and revision of the regulations.

Mansfield Tomorrow:

No new updates.

Reports from Officers and Committees:

The Director reviewed her report.

Communications and Bills:

Noted.

Adjournment:

The Chairman declared the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Bonnie Ryan, Acting Secretary